

EDWARDS ANGELL PALMER & DODGE LLP

Andrew P. Fishkin

Steven M. Lucks

750 Lexington Avenue
New York, New York 10022

(212) 308-4411

Attorneys for Defendant

American General Life Insurance Co.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE C FINK FAMILY TRUST BY ITS
TRUSTEE ZALMEN LANDAU,

Case No. 10 CV 9230 (JSR)

Plaintiff,

v.
AMERICAN GENERAL LIFE INSURANCE
COMPANY,

NOTICE OF MOTION TO DISMISS OF
DEFENDANTS AMERICAN GENERAL
LIFE INSURANCE COMPANY

Defendant.

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PLEASE TAKE NOTICE that upon the attached Declaration of Andrew P. Fishkin, dated February 10, 2011, and the exhibits thereto, the accompanying memorandum of law and all of the pleadings and prior proceedings had herein, defendant American General Life Insurance Company moves this Court for: (i) an order pursuant to Fed. R. Civ. P. 12(b)(1) dismissing this action in its entirety pursuant to the doctrine of declaratory judgment abstention and the first-filed rule; or, in the alternative, an order staying this matter in favor of a first-filed action pending in New Jersey Superior Court.

The briefing schedule of this matter set forth by the Court is as follows:

February 28, 2011 – Plaintiff's Opposition Papers

March 9, 2011 – Defendant's Reply Papers

March 14, 2011 – Oral Argument

Dated: New York, New York

February 10, 2011


Andrew P. Fishkin
Steven M. Lucks
EDWARDS ANGELL PALMER & DODGE LLP
750 Lexington Avenue
New York, New York 10022
212.308.4411
afishkin@eapdlaw.com
slucks@eapdlaw.com
Attorneys for Defendant
American General Life Insurance Company

NYC 369972.1